

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BOGATIN FAMILY TRUST, Individually And On)
Behalf Of All Others Similarly Situated,)
Plaintiff,) Civil Action No. 04cv11642 (NG)
vs.)
FIDELITY MANAGEMENT AND RESEARCH)
COMPANY, et al.,)
Defendants.)

CERTIFICATE OF JAMES N. BENEDICT PURSUANT TO LOCAL RULE 83.5.3(b)

James N. Benedict declares and states as follows:

1. I am an attorney and a partner of the law firm of Milbank, Tweed, Hadley & McCloy LLP, New York, New York. I have been a member in good standing of the Bar of the State of New York since 1975, and the United States Supreme Court since 1978. I am also a member in good standing of the Bars of the United States Court of Appeals for the Second, Third, Eighth, Ninth, Tenth and Eleventh Circuits, and the United States District Courts for the Southern District of New York, Eastern District of New York and the Northern District of New York. I am a member of the bar in good standing in every jurisdiction in which I have been admitted to practice.

2. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction.

3. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

I declare under the penalty of perjury that the following is true and correct. Executed on November 29, 2004.

/s/ James N. Benedict
James N. Benedict

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COMPANY, et al.,)
Defendants.)

CERTIFICATE OF SEAN M. MURPHY PURSUANT TO LOCAL RULE 83.5.3(b)

Sean M. Murphy declares and states as follows:

1. I am an attorney and of counsel to the law firm of Milbank, Tweed, Hadley & McCloy LLP, New York, New York. I have been a member in good standing of the Bar of the State of New York since 1995. I am also a member in good standing of the Bar of the United States District Court for the Southern District of New York. I am a member of the bar in good standing in every jurisdiction in which I have been admitted to practice.

2. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction.

3. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

I declare under the penalty of perjury that the following is true and correct. Executed on November 29, 2004.

/s/ Sean M. Murphy
Sean M. Murphy

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CERTIFICATE OF C. NEIL GRAY PURSUANT TO LOCAL RULE 83.5.3(b)

C. Neil Gray declares and states as follows:

1. I am an attorney and an associate of the law firm of Milbank, Tweed, Hadley & McCloy LLP, New York, New York. I have been a member in good standing of the Bar of the State of New York since 2000. I am also a member in good standing of the Bar of the United States Court of Appeals for the Eighth Circuit and the United States District Courts for the Southern District of New York and the Eastern District of New York. I am a member of the bar in good standing in every jurisdiction in which I have been admitted to practice.

2. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction.

3. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

I declare under the penalty of perjury that the following is true and correct. Executed on November 29, 2004.

/s/ C. Neil Gray
C. Neil Gray